

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 75, "Conditions of Eligibility," Iowa Administrative Code.

The proposed amendments would eliminate the following eligibility requirements from the transitional Medicaid coverage group:

- The family received Family Medical Assistance (FMAP) benefits in at least three of the six months immediately preceding the month in which the family lost FMAP eligibility due to increased income from employment.
- The family timely submits quarterly income report forms during the 12-month transitional Medicaid eligibility period.
- The family's income reports show that the family's gross earned income minus child care expenses necessary for employment is no more than 185 percent of the federal poverty level guideline for the family.
- The family continues to have earned income throughout the transitional period.

The American Recovery and Reinvestment Act of 2009 (ARRA), Public Law 111-5, Section 5004, gives states the option to eliminate these federal requirements. The 12-month transitional period allows a family to adjust to being self-sufficient and acquire health insurance. These amendments will allow more families to qualify for transitional assistance.

The effect of reporting requirements is that assistance for some families is canceled for failure to submit timely reports. Eliminating the reporting and income requirements will ensure that any family that qualifies for transitional assistance will remain eligible for the full 12 months of benefits as long as there is a child in the household. This result is consistent with the state's goal of providing health care coverage to all eligible children for whom federal financial participation is available.

These amendments do not provide for waivers in specified situations because they benefit the families affected.

Any interested person may make written comments on the proposed amendments on or before August 19, 2009. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 249A.3.

The following amendments are proposed.

ITEM 1. Rescind and reserve paragraph **75.1(31)"b."**

ITEM 2. Amend paragraph **75.1(31)"f"** as follows:

f. Transitional Medicaid shall not be allowed under these provisions when it has been determined that the member received FMAP in ~~any of the six months~~ the month immediately preceding the month of cancellation as the result of fraud. Fraud shall be defined in accordance with Iowa Code Supplement section 239B.14.

ITEM 3. Rescind and reserve paragraphs **75.1(31)“h”** and **“i.”**

ITEM 4. Amend paragraph **75.1(31)“k”** as follows:

k. The timely notice requirements as provided in 441—subrule 76.4(1) shall not apply when it is determined that the family failed to meet the eligibility criteria specified in paragraph **“g”** ~~or “i”~~ above. Transitional Medicaid shall be terminated beginning with the first month following the month in which the family no longer met the eligibility criteria. An adequate notice shall be provided to the family when any adverse action is taken.